

DISTRICT OF NEW JERSEY
UNITED STATES BANKRUPTCY COURT

Caption in Compliance with D.N.J. LBR 9004-2(c)

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Attorney for Compu-Link Corporation DBA
Celinek as attorney in fact for Bank of New
York Mellon Trust Company, N.A. as Trustee
for Mortgage Assets Management Series I
Trust

Case No. 19-33514-ABA
CHAPTER 13

In Re:

GRACE V. MASSELLA

Debtor

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN
(4307 W BRIGANTINE AVENUE #A, BRIGANTINE, NJ 08203)

COMES NOW, Compu-Link Corporation DBA Celinek as attorney in fact for Bank of New York Mellon Trust Company, N.A. as Trustee for Mortgage Assets Management Series I Trust (hereinafter “Movant”), by and through counsel, files this Objection to Confirmation of Chapter 13 Plan pursuant to 11 U.S.C. § 1325, generally, and Fed. R. Bankr. Proc. Rule 3015(f), and in support, respectfully represents as follows:

1. Jurisdiction is based on 28 U.S.C. § 1334(e) and 11 U.S.C. §§ 1322, et seq and 1325.
2. On or about December 19, 2019, Grace V. Massella (hereinafter “Debtor”) filed a petition under Chapter 13 of the United States Bankruptcy Code.
3. The Debtor is an owner of real property, improved by a residence known as 4307 W Brigantine Avenue #A, Brigantine, NJ 08203 (hereinafter “Property”) encumbered by a first deed of trust (“the Mortgage”) which secures repayment of a promissory note dated

January 13, 2005 (“the Note”) in the original, principal amount of \$349,125.00. The Debtor is obligated to Movant under the Note.

4. Movant is a secured creditor with respect to the subject Property.
5. Debtor’s Chapter 13 Plan (Doc. No. 2) (“Plan”), dated December 19, 2019, includes payments of \$20,738.22 in arrears toward the mortgage account with Secured Creditor, however, the figures used by the Debtor are inaccurate.
6. Movant objects to confirmation of the plan as filed. Pursuant to 11 U.S.C. §1325(a)(5), the holder of the secured claim must either accept the plan, or the plan must provide for the security to be cured or surrendered.
7. The approximate total arrearage due to Secured Creditor by the Debtor under its mortgage is \$22,371.48 and approximate total debt of \$277,688.64. Debtors plan fails to provide for full payment of the secured claim in violation of the requirements of §1325(a)(5).
8. Secured Creditor is entitled to attorney fees pursuant to 11 U.S.C 1322(e) which fees should be added to the balance due on the Note and Mortgage pursuant to the terms of those documents, but attorney fees should not be a personal obligation of the Debtor.

WHEREFORE, Movant respectfully requests entry of an order which denies confirmation of the proposed Chapter 13 Plan, dismisses the bankruptcy case, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

Date: January 16, 2020

By: /s/ Holly Hamilton
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Counsel for Movant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of January, 2020, to the extent that the following person(s) were not served electronically *via* the CM/ECF system, I mailed a copy of the foregoing Objection to Confirmation of Chapter 13 Plan, by first class, postage prepaid, to:

Lee Martin Perlman

Lee M. Perlman
1926 Greentree Road
Suite 100
Cherry Hill, NJ 08003
Counsel for Debtor

Grace V. Massella

4307 W. Brigantine Avenue #A
Brigantine, NJ 08203
ATLANTIC-NJ
Debtor

Trustee

Isabel C. Balboa

Chapter 13 Standing Trustee
Cherry Tree Corporate Center
535 Route 38 - Suite 580
Cherry Hill, NJ 08002
Chapter 13 Trustee

U.S. Trustee

U.S. Trustee

US Dept of Justice
Office of the US Trustee
One Newark Center Ste 2100
Newark, NJ 07102

/s/ Holly Hamilton

Holly Hamilton, Esq. (Bar No. 298182019)